

DAVID N. WOLF (6688)
Assistant Utah Attorney General
MARK L. SHURTLEFF (4666)
Utah Attorney General
Attorneys for Defendants
160 East 300 South, Sixth Floor
P.O. Box 140856
Salt Lake City, Utah 84114-0856
Telephone: (801) 366-0100
Facsimile: (801) 366-0101
e-mail dnwolf@utah.gov

“EXHIBIT B”

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF UTAH CENTRAL DIVISION

WILLIAM ADAMS,
Plaintiff,
v.
DR. RICHARD GARDEN, et al.,
Defendants.

**DECLARATION OF KENNON TUBBS,
M.D.**

Case No. 2:10cv00746

Judge David Sam

KENNON TUBBS, M.D., being first duly sworn, deposes and states as follows:

1. I am an adult resident of the United States of America and of the State of Utah, and I am over the age of eighteen (18) years.
2. I am competent to testify to the matters stated herein.
3. I am a Medical Doctor and licensed to practice medicine in the State of Utah. I obtained my medical degree from Georgetown University School of Medicine from 1992-1996.

I fulfilled my three (3) year residency requirement at Utah Valley Family Practice in Provo, Utah and became Board Certified by the American Academy of Family Physicians in 1999.

4. I maintain a private medical practice in Draper, Utah. I am also employed by the Utah Department of Corrections (“DOC”) as a part-time physician at the Utah State Prison (“USP”) in Draper, Utah.

5. I am acquainted with plaintiff, William Adams, as I have treated and/or otherwise diagnosed plaintiff on several occasions at the USP.

6. I have reviewed Plaintiff’s medical records which are numbered M-Track 000001 through 001012.

7. The statements in this declaration are based on my personal knowledge, as refreshed by a review of Adams’ Hard Chart and M-Track records, and on the M-Track notes made by other health care providers who provided medical care for Adams.

8. Mr. Adams alleges in paragraph 7 of his Civil Rights Complaint that he was prescribed Actonel by Dr. Sara at the Fourth Street Clinic in March, 2007.

9. Mr. Adams Offender Location History shows he was actually incarcerated at the Utah State Prison (USP) and/or the Central Utah Correctional Facility (CUCF) from November 6, 2003 until January 29, 2008 at which time he was placed on parole.

10. Mr. Adams was returned to the USP on June 30, 2008.

11. Mr. Adams alleges in paragraph 8 of his Civil Rights Complaint that he was denied Actonel upon his return to the USP.

12. On July 1, 2008, Mr. Adams was asked to fill out and Release of Information so the USP could obtain his medical records from Fourth Street Clinic. (USP-000831)

13. On July 2, 2008, P.A. Abbott verified Mr. Adams' bone scan. Mr. Adams was encouraged to ambulate to improve his bone density. (USP-000825)

14. On July 14, 2008, P.A. Abbott reviewed the notes received from the Fourth Street Clinic.

15. On July 14, 2008, Mr. Adams was prescribed and received Neurontin (nerve pain medication), Elavil (pain Medication), GNP Calcium (history of osteoporosis due to low bone density), Aspirin (due to his stroke history), Lubriderm skin lotion.

16. Between July 17, 2008 and September 7, 2008, Mr. Adams was receiving Citalopram (anti-depressant), Lithium (anti-psychotic), GNP Calcium, Lubriderm, Cloebetasol (skin lotion) Elavil, Neurontin and Aspirin.

17. On September 4, 2008, I noted that Mr. Adams had normal calcium levels and PTH Levels. I ordered a repeat bone density scan in six months if osteoporosis is not reversed.

18. Mr. Adams was again paroled on October 28, 2008.

19. Mr. Adams was returned to the Utah State Prison on April 6, 2009 following a parole revocation.

20. Upon his return, Mr. Adams' medication history and his medical condition were again evaluated.

21. Between April 7, 2009 and April 29, 2009, P.A. Abbott prescribed Mr. Adams Neurontin, GNP Calcium, Amitriptylin, Lubriderm Lotion, Clobetasol Cream and Actonel.

22. Mr. Adams has continually received his Actonel on a weekly basis since his return to the Utah State Prison on April 6, 2009 and will continue to receive his Actonel on a

DECLARATION UNDER PENALTY OF PERJURY

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the above statements are true and based upon my personal knowledge.

DATED this 28th day of February, 2012.

/s/ Kennon Tubbs
KENNON TUBBS, M.D.
*(Signed copy of document bearing signature
of Dr. Kennon Tubbs is being maintained in
Office of the Filing Attorney)*

CERTIFICATE OF MAILING

I certify that on February 28, 2012, I electronically filed the foregoing **DECLARATION OF KENNON TUBBS, M.D.**, using the Court's CM/ECF system and I also certify that a true and correct copy of the foregoing was sent by United States mail, postage prepaid, to the following:

WILLIAM ADAMS
USP NO. 35116
OFFENDER NO. 74653
UTAH STATE PRISON
PO BOX 250
DRAPER, UTA 84020-0250

/s/ Yvonne Schenk